

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Michelle Castellanos,**

*Appellant,*

**v.**

**Case No.: 3:17-cv-156  
Judge Thomas M. Rose**

**John Paul Rieser, Trustee,**

*Appellee.*

---

**ENTRY AND ORDER DISMISSING AS MOOT MOTION FOR  
SUMMARY JUDGMENT, ECF 10, DISMISSING AS MOOT  
APPEAL FROM THE BANKRUPTCY COURT, ECF 1, AND  
TERMINATING CASE**

---

On May 4, 2017, Pro Se Appellant Michelle Castellanos appealed a final decision of the United States Bankruptcy Court for the Southern District of Ohio. Appellant seeks an order reversing and vacating the United States Bankruptcy Court's April 19, 2017 order and judgment in the amount of \$9,610.65. On May 1, 2018, Appellee John Paul Rieser filed Defendant's Notice of Filing of Release and Satisfaction of Judgment and Trustee's Abandonment of Judgment against Michelle Castellanos. ECF 8. On July 27, 2018, Pro Se Appellant Michelle Castellanos filed a Motion for Summary Judgment. ECF 10.

"A bankruptcy trustee can abandon property, rights of action, etc., which he considers worthless to the estate, in which case the property or right usually reverts to the bankrupt." *Matter of Russo*, 18 B.R. 257, 270 (Bankr. E.D.N.Y. 1982) (citing 4 *Remington on Bankruptcy* § 1612.4, pp. 22-23 (1957)). Once a Trustee abandons litigation, rights to the litigation are treated as if no bankruptcy petition had been filed. *In re Michaelesco*, 223 F. App'x 11, 12 (2d Cir. 2006). Once

this is done, there is no additional relief available for the district court to grant, the “case or controversy” requirement for appeal is eliminated, and a district court should dismiss the appeal as moot. *Id.* (citing *In re Chateaugay Corp.*, 10 F.3d 944, 949 (2d Cir.1993)); see also *Schaefer v. First Source Advantage, LLC*, No. 4:12-CV-311 CAS, 2013 WL 509001, at \*5 (E.D. Mo. Feb. 12, 2013) (“Where the bankruptcy trustee formally abandons property,...the debtor regains his interest in the property.”).

Once the Trustee abandoned the judgment against Appellant, the Court had no further relief it could grant Appellant and the case became moot. Thus, Plaintiff’s Motion for Summary Judgment and her appeal are **DISMISSED** as **MOOT** in light of Defendant's Notice of Filing of Release and Satisfaction of Judgment and Trustee's Abandonment of Judgment against Michelle Castellanos. ECF 8. The instant case is **TERMINATED** from the dockets of the United States District Court, Southern District of Ohio, Western Division at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Monday, September 24, 2018.

s/Thomas M. Rose

---

THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE